

United States Courts
Southern District of Texas
FILED

OCT 1 2012

David J. Bradley, Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. H-12-124-S

EMILY JOHN OBOZOKHAE

[REDACTED]

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**UNSEALED
PER ORDER**

Oct 1/12

SUPERSEDING INDICTMENT

The United States Grand Jury charges:

COUNT 1

(Conspiracy to Commit Mail & Wire Fraud)

A. INTRODUCTION

At all times material to this Indictment:

1. EMILY JOHN OBOZOKHAE and [REDACTED]

[REDACTED] operated a money services business called Smoke Shop and Accessories, which was located at 508 Murphy Road, Suite F, Stafford Texas 77477.

2. MoneyGram International, Inc. ("MoneyGram") is a publicly traded, global money transfer company. The MoneyGram network consists of approximately 180,000 agents, sometimes referred to as outlets, in 190 countries and territories. MoneyGram's international headquarters and its centralized, computerized base are located in Minneapolis, Minnesota.

3. In order to transfer money via MoneyGram, a customer completes a form,

called a "Send Form," and pays the MoneyGram agent the amount to be wired and a transaction fee. The customer is provided with a Money Transfer Control Number ("MTCN") and the funds are placed into a holding account.

4. Using the MTCN, any MoneyGram agent in the world can query the MoneyGram transactional database to see if the funds sent by the customer are available for pay-out. In order to retrieve the funds, the MoneyGram agent is required to enter the MTCN, the intended recipient's name, address, telephone, and identification document serial number into the MoneyGram computer system. The MoneyGram payment system then produces a money order check made payable to the intended recipient.

5. Like MoneyGram, Western Union International, Inc. ("Western Union") is another international money transfer business. Although there are some differences, Western Union's money transfer system operates in a manner similar to MoneyGram's.

B. THE CONSPIRACY AND ITS OBJECT

6. Beginning on or about February 1, 2005, and continuing until on or about October 14, 2007, in the Houston Division of the Southern District of Texas, the defendants,

EMILY JOHN OBOZOKHAE and

[REDACTED]

did knowingly combine, conspire, confederate and agree, with other persons known and unknown to the Grand Jury, to knowingly devise and execute a scheme to use the United States mail and interstate wire communications facilities to defraud individuals by making

false material misrepresentations.

C. MANNER AND MEANS OF THE CONSPIRACY

7. Conspirators would and did send mass marketing solicitations and, in many cases, counterfeit checks, to thousands of victims via the U.S. Mail and the Internet.

8. The solicitations encouraged the victims to cash and wire a portion of the counterfeit checks or other funds to a fictitious payee using MoneyGram or Western Union, and to provide the conspirators with the corresponding MTCNs for the transfers.

9. The conspirators would and did relay the MTCNs on to the defendants, who intercepted and removed funds from the MoneyGram and Western Union money transfer systems.

10. To conceal their crimes, the defendants would and did enter false payee names, addresses, telephone numbers, and other identification data into the MoneyGram and Western Union databases.

11. After receiving the funds, the defendants would and did place the proceeds into bank accounts controlled by them, where the proceeds were converted for the defendants' personal use or, in other cases, were wired, using the defendants' money transfer licenses, to conspirators in Canada, Nigeria, Romania, and other countries.

D. OVERT ACTS

12. In furtherance of the conspiracy, and to effect the objects thereof, the conspirators performed and caused to be performed, in the Southern District of Texas and elsewhere, the following overt acts:

a. On or about February 2, 2005, a conspirator sent an email to a victim with the initials E.B., a retired elementary school teacher, asking the victim to "try to get a hold of Mr. Eric John and see what you can arrange with him, how much have you been able to raise so far?"

b. In or about August 2005, [REDACTED] became an authorized Western Union agent.

c. On or about August 2, 2005, EMILY JOHN OBOZOKHAE opened Chase Bank Account No. xxxxxxxx4165 under the name of "Emily John Terrell DBA Smoke Shop and Accessories."

d. On or about September 13, 2005, EMILY JOHN OBOZOKHAE became an authorized MoneyGram agent.

e. On or about February 28, 2006, EMILY JOHN OBOZOKHAE and [REDACTED] opened Chase Bank Account No. xxxxxx7747 under the name of "Emily John Terrell DBA Smoke Shop and Accessories."

f. On or about January 12, 2007, the defendants intercepted a \$2,285 MoneyGram transfer at Smoke Shop and Accessories sent by victim E.B.

g. On or about February 11, 2007, a conspirator spoke with a victim with the initials D.R. concerning the victim's and his wife's interest in obtaining a loan to purchase their first home.

h. On or about February 14, 2007, the defendants intercepted a \$2,022.90 MoneyGram transfer at Smoke Shop and Accessories sent by victim D.R.

i. On or about February 27, 2007, a conspirator mailed a victim with the initials L.S. a letter via U.S. Mail stating that he had won a sweepstakes prize and including a counterfeit \$9,920 check.

j. On or about March 12, 2007, the defendants intercepted a \$1,430 MoneyGram transfer at Smoke Shop and Accessories sent by victim L.S.

k. On or about March 14, 2007, a conspirator, posing as a member of the U.S. military, corresponded by email with a victim with the initials M.K. concerning the victim's interest in purchasing an automobile that he believed was advertised for sale on eBay.

l. On or about March 17, 2007, the defendants intercepted a \$7,000 MoneyGram transfer at Smoke Shop and Accessories sent by victim M.K.

m. On or about March 14, 2007, a conspirator mailed a victim with the initials J.M. a letter via U.S. Mail stating that he had won a sweepstakes prize and including a counterfeit \$4,450 check.

n. On or about March 23, 2007, the defendants intercepted a \$2,950 MoneyGram transfer at Smoke Shop and Accessories sent by victim J.M.

o. On or about March 19, 2007, a conspirator mailed a victim with the initials S.G. a letter via U.S. Mail stating that she was the winner of a drawing and had been awarded a large cash prize, and also including a counterfeit \$3,200 check.

p. On or about March 24, 2007, the defendants intercepted a \$1,430 MoneyGram transfer at Smoke Shop and Accessories sent by victim S.G.

q. On or about March 27, 2007, a conspirator mailed a victim with the initials H.D. a letter via U.S. Mail stating that he had won a sweepstakes prize and including a counterfeit check for \$4800.

r. On or about March 27, 2007, the defendants intercepted a \$4600 MoneyGram transfer at Smoke Shop and Accessories sent by victim H.D.

All in violation of Title 18, United States Code, Section 1349.

COUNT 2

(Conspiracy to Commit International Money Laundering)

A. INTRODUCTION

1. The information and allegations set forth in Count 1 of this Indictment are specifically incorporated herein.

B. THE CONSPIRACY AND ITS OBJECT

2. From on or about February 1, 2005, through on or about October 14, 2007, in the Houston Division of the Southern District of Texas, and elsewhere, the defendants

EMILY JOHN OBOZOKHAE and

[REDACTED]

did unlawfully and knowingly combine, conspire, confederate and agree, with other persons known and unknown to the Grand Jury, to transport, transmit, and transfer funds from a place in the United States to a place outside the United States knowing that the funds involved in the transportation, transmission, and transfer represented the proceeds of some form of unlawful activity and knowing that such transportation, transmission, and transfer was designed in whole or in part to conceal and disguise the nature, location,

source, ownership, and control of the proceeds of specified unlawful activity, to wit: mail and wire fraud, all in violation of Title 18, United States Code, Section 1956(a)(2)(B)(i).

C. THE MANNER AND MEANS OF THE CONSPIRACY

3. Among the manner and means by which the defendants sought to accomplish and did accomplish the purpose of the scheme to defraud were the acts set forth in paragraphs 7 - 11 of Count One of the Indictment, hereby re-alleged and incorporated as if fully set forth in this Count of the Indictment.

D. OVERT ACTS

4. In furtherance of the conspiracy, and to effect the objects thereof, the defendants and the co-conspirators performed and caused to be performed, in the Southern District of Texas and elsewhere, the overt acts alleged in Count One of this Indictment, hereby re-alleged and incorporated as if fully set forth in this Count of the Indictment.

5. In addition, and among other overt acts, the defendants and other conspirators caused the following sums to be wired from Smoke Shop and Accessories:

Overt Act	Date	Receiver Name	MTCN	Receiving Agent City	Amount in U.S. Dollars
a.	1/18/07	George Okechukwu	99917117	Lagos, Nigeria	\$3,000
b.	2/15/07	Emmanuel Obi	36266146	Toronto, Canada	\$1,895
c.	3/14/07	Sunday Nnazor	33377776	Lagos, Nigeria	\$5,000

d.	3/20/07	Imo Nnamdi	26263368	Omole, Nigeria	\$3,550
e.	3/27/07	Osass Eribo	96251836	Edo, Nigeria	\$3,000
f.	3/27/07	Justin Nwaozor	72227359	Etobicoke, Canada	\$2,895
g.	3/29/07	Irinel Miroslov	80660771	Bucharest, Romania	\$2,320

All in violation of Title 18, United States Code Sections 1956(h).

COUNT 3
(Conspiracy to Violate Laws Relating to Money Transfer)

A. INTRODUCTION

1. The information and allegations set forth in Count 1 and 2 of this Indictment are specifically incorporated herein.

B. THE CONSPIRACY AND ITS OBJECT

2. At all material times to this indictment, Western Union N.A. and MoneyGram International were “money transmitting businesses” as defined in Title 31, United States Code, Section 5330(d)(1).


3. Only an authorized Western Union agent is permitted to send or receive monetary transactions over a Western Union terminal. An authorized Western Union agent could not appoint any sub-agents nor offer Western Union services through any

person or entity not a party to a written agency agreement with Western Union N.A.

4. Likewise, only an authorized MoneyGram agent is permitted to send or receive monetary transactions over a MoneyGram terminal. An authorized MoneyGram agent could not appoint any sub-agents nor offer MoneyGram services through any person or entity not a party to a written agency agreement with MoneyGram International.

5. From on or about February 1, 2005, through on or about October 14, 2007, in the Houston Division of the Southern District of Texas, and elsewhere, the defendants

EMILY JOHN OBOZOKHAE and


conspired and agreed to willfully provide false and materially incomplete information to the Secretary of the Treasury through MoneyGram and Western Union, in connection with the registration of a money transmitting business, as defined under Title 31, United States Code, Section 5330(d)(1), that is, a money transmitting business called Smoke Shop and Accessories located at 508 Murphy Road, Suite F, Stafford Texas 7747.

C. OVERT ACTS

6. In furtherance of the conspiracy, and to effect the objects thereof, the defendants and the co-conspirators performed and caused to be performed, in the Southern District of Texas and elsewhere, the overt acts alleged in Counts One and Two of this Indictment, hereby re-alleged and incorporated as if fully set forth in this Count of the Indictment.

All in violation of Title 18, United States Code, Section 371, and Title 31,

United States Code 5330(a)(4) and 5322(a).

COUNTS 4-10
(Wire Fraud)

A. INTRODUCTION

1. The information and allegations set forth in Counts 1 thru 3 of this Indictment are specifically incorporated herein.

B. THE SCHEME TO DEFRAUD

2. From on or about February 1, 2005, and continuing at least until on or about October 14, 2007, in the Houston Division of the Southern District of Texas, and elsewhere,

EMILY JOHN OBOZOKHAE and



Defendants herein, aided and abetted by others known and unknown to the grand jury, did knowingly devise and intend to devise a scheme and artifice to defraud, and for obtaining money, merchandise, services and property by means of false and fraudulent pretenses, and in the execution of said scheme and artifice, did knowingly transmit and cause to be transmitted by means of wire communications in interstate or foreign commerce, writings, signs, signals, pictures, or sounds, as more fully set forth below.

C. THE MANNER AND MEANS OF THE SCHEME TO DEFRAUD

3. The Defendants would obtain Western Union and MoneyGram checks, which were payable to other individuals (the payees), and fraudulently endorse the checks

to their company, Smoke Shop and Accessories.

4. To facilitate the improper endorsement, the Defendants would provide false Texas Driver's license numbers for the payees.

5. Defendants would and did present these falsely endorsed checks for deposit into the Chase bank account of Emily John Terrell d/b/a Smoke Shop and Accessories.

D. EXECUTION OF THE SCHEME TO DEFRAUD

6. On or about the dates set forth below, in the Houston Division of the Southern District of Texas and elsewhere, for the purpose of executing the scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, and intending to do so, defendants knowingly transmitted and caused to be transmitted by means of wire, either from or to the Southern District of Texas and elsewhere, MoneyGram or Western Union checks and deposited such funds into their Chase bank account as described below:

COUNT	DATE	CHECK NO.	PAYEE	AMOUNT	COMPANY
4	10/3/2005	47504694028	Monica Harvey	\$850.00	MoneyGram
5	10/5/2005	47504694039	Christopher Cole	\$1200.00	MoneyGram
6	10/17/2005	8325005407-2	Phillip Edward	\$1000.00	Western Union
7	10/15/2005	8325005404-5	Don Parker	\$1000.00	Western Union
8	10/17/2005	8325005412-6	Donna Cooper	\$1000.00	Western Union
9	10/27/2005	8325005424-3	Peter Johnson	\$1000.00	Western Union

10	10/27/2005	8325005430-6	Peter Kwame	\$1000.00	Western Union
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In violation of Title 18, United States Code, Sections 1343 and 2.

COUNTS 11-15
(Aggravated Identity Theft)

From on or about February 1, 2005, and continuing at least until on or about October 14, 2007, in the Houston Division of the Southern District of Texas, the defendants

EMILY JOHN OBOZOKHAE and

[REDACTED]

did knowingly transfer, possess and use, without lawful authority, a means of identification of another person, to-wit, the Money Transfer Control Number ("MTCN"), a routing code, assigned to the following third party victims during and in relation to a violation of Title 18, United States Code, Section 1349 (Conspiracy to Commit Mail and Wire Fraud).

Count	Date of Transfer	Victim	MTCN
11	3/12/07	L.S.	81334935
12	3/17/07	M.K.	77123437
13	3/23/07	J.M.	84238798
14	3/24/07	S.G.	91033071
15	3/27/07	H.D.	86761812

All in violation of Title 18, United States Code, Sections 1028A and 2.

COUNT 16
(Procurement of Citizenship or Naturalization Unlawfully)

From on or about September 27, 2007, and continuing through June 12, 2008, in the Houston Division of the Southern District of Texas, the defendant

EMILY JOHN OBOZOKHAE

did knowingly procure and obtain and apply for and otherwise attempt to procure and obtain, naturalization and citizenship for herself to which she was not entitled, to wit: the defendant did falsely represent to United States Citizenship and Immigration Services on September 27, 2007, April 25, 2008, and June 12, 2008, that she had not knowingly committed any crime or offense for which she had not been arrested, when in fact she knew that she had committed the following offenses against the United States, to wit:

- A. Conspiracy to Commit Mail and Wire Fraud (18 U.S.C. § 1349) as alleged in Count One of this Indictment;
- B. Conspiracy to Commit International Money Laundering (18 U.S.C. § 1956(h)) as alleged in Count Two of this Indictment; and
- C. Conspiracy to Violate Laws Relating to Money Transfer (31 U.S.C. § 5330 and 5322) as alleged in Count Three in this Indictment; and
- D. Wire Fraud (18 U.S.C. 1343) as alleged in Counts Four through Ten of this

Indictment; and,

E. Aggravated Identity Theft (18 U.S.C. § 1028A) as alleged in Counts Eleven through Fifteen of this Indictment;

so that the defendant was, therefore, ineligible to be admitted to citizenship since she was unable to establish good moral character because she has given false testimony for the purpose of obtaining a benefit under the Immigration and Nationality Act.

All in violation of Title 18, United States Code, Section 1425(b).

COUNT 17
(Procurement of Citizenship or Naturalization Unlawfully)

From on or about August 12, 2008, and continuing through April 22, 2009, in the Houston Division of the Southern District of Texas, the defendant



did knowingly procure and obtain and apply for and otherwise attempt to procure and obtain, naturalization and citizenship for himself to which he was not entitled, to wit: the defendant did falsely represent to United States Citizenship and Immigration Services on August 12, 2008, December 10, 2008, and April 22, 2009, that he had not knowingly committed any crime or offense for which he had not been arrested, when in fact he knew that he had committed the following offenses against the United States, to wit:

A. Conspiracy to Commit Mail and Wire Fraud (18 U.S.C. § 1349) as alleged in Count One of this Indictment;

B. Conspiracy to Commit International Money Laundering (18 U.S.C. § 1956(h)) as alleged in Count Two of this Indictment; and

C. Conspiracy to Violate Laws Relating to Money Transfer (31 U.S.C. § 5330 and 5322) as alleged in Count Three in this Indictment; and

D. Wire Fraud (18 U.S.C. 1343) as alleged in Counts Four through Ten of this Indictment; and,

E. Aggravated Identity Theft (18 U.S.C. § 1028A) as alleged in Counts Eleven through Fifteen of this Indictment;

so that the defendant was, therefore, ineligible to be admitted to citizenship since he was unable to establish good moral character because he has given false testimony for the purpose of obtaining a benefit under the Immigration and Nationality Act.

All in violation of Title 18, United States Code, Section 1425(b).

A TRUE BILL

FOREPERSON OF THE GRAND JURY

KENNETH MAGIDSON
United States Attorney

By: _____
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